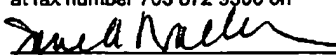


**PATENT****Certificate of Facsimile Transmission**

I hereby certify that this correspondence is being deposited via facsimile to Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, Technology Center 3764 Attention: Examiner Ragonese, at fax number 703 872 9306 on

  
Janie A. Walker

February 4, 2005  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No: 10/091,849  
Filed: March 6, 2002  
Confirmation No.: 8604  
Applicant: Boyce  
Title: **APPARATUS FOR PREPARING A BIOCOMPATIBLE MATRIX**  
Art Unit: 3743  
Examiner: Ragonese (formerly Odland)  
Att'y Dock: CUT-02

Cincinnati, Ohio 45202

February 4, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

**AMENDMENT AFTER FINAL**

Responsive to the Office Action mailed November 1, 2004 in the above referenced application, please amend the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

02/08/2005 HMASSEY 00000001 233000 10091849

**Remarks** begin on page 5 of this paper.

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AMENDMENT.

AMR 2/4/2005

independent claims 1, 33, and 40 are allowable and, for at least these reasons, dependent claims 2, 3, and 42 are allowable.

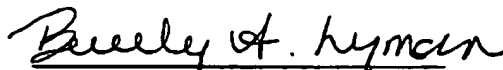
9. Claim 33 is rejected under 35 U.S.C. §103(a) as obvious over Boyce '878 in view of Kushner U.S. Patent No. 4,954,236. Applicant has amended claim 33 and, for the reasons previously described, asserts that Boyce does not teach, suggest, or motivate the invention. Thus, Boyce in combination with Kushner does not teach, motivate, or suggest applicant's invention. Consequently, Applicant submits that independent claim 33 is allowable.

### **CONCLUSION**

In view of the Amendments, as well as the foregoing remarks, applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration.

Applicant does not believe any fee is due with this submission as it is being substituted upon request of the Examiner for the Amendment that was timely filed on February 1, 2005. However, the Examiner is authorized to charge any fee deficiency to Deposit Account No. 23-3000. The Examiner is invited to telephone the applicant's undersigned representative with any questions.

Respectfully submitted,  
WOOD, HERRON & EVANS. L.L.P.

  
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